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DRAFT REPORT

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and Republic of Moldova on the facilitation of issuance of short-stay visas
(COM(2007)0488 – C6-0339/2007 – 2007/0175(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Marian-Jean Marinescu

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and Republic of Moldova on the facilitation of issuance of short-stay visas
(COM(2007)0488 – C6-0339/2007 – 2007/0175(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the proposal for a Council decision (COM(2007)0488)[1],

– having regard to Article 62(2)(b)(i) and (ii) and Article 300(2), first subparagraph, of the EC Treaty,

– having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0339/2007),

– having regard to Rules 51 and 83(7) of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A6-0000/2007),

1. Approves the conclusion of the Agreement;

2. Instructs its President to forward its position to the Council and the Commission, and the governments and parliaments of the Member States and of the Republic of Moldova.

[1] Not yet published in OJ.

EXPLANATORY STATEMENT

Background

Negotiations with the Republic of Moldova on the facilitation of the issuance of short-stay visas and readmission were conducted by the Commission between the 9 February 2007 and the 17 April 2007, following the authorization given by the Council. The agreements were signed on the 10 October 2007, and the Parliament is now consulted on the proposal for Council Decision on the conclusion of these two agreements. The Committee of civil liberties, justice and home affairs and its rapporteur, aware of the importance of the entry into force in January 2008, have agreed to work according to an accelerated calendar, in order to avoid any delays and to allow the conclusion of the agreements in November 2007.

Content of the agreement

The purpose of this agreement is to facilitate the issuance of visas to the citizens of the Republic of Moldova for an intended stay of no more than 90 days per period of 180 days.

This facilitation is done, among others, by reducing the period for taking a decision on the issuance of visas. The decision on whether or not to issue a visa will in principle have to be taken within 10 calendar days. In urgent cases, this period may be reduced to 2 working days or even less. However, when further scrutiny is needed in order to take the decision, the period may be extended up to 30 calendar days.

The visa fee for Moldovan citizens will also be limited to 35 €, instead of the general fee of 60 €. This reduced fee concerns both single and multiple-entry visas. Moreover, certain categories of persons will benefit from a full waiving of the visa fee: close relatives, officials participating in government activities, students, disabled persons, humanitarian cases, persons participating in cultural, educational exchange programs and sport or cultural events, journalists, children, pensioners, etc.

The documents to be presented regarding the purpose of the journey have been simplified for some categories of persons, such as members of official delegations, business people, journalists, participants in scientific, cultural and sporting events, students, participants in exchange programs, close relatives, representatives of civil society, persons visiting for medical reasons. For these categories of persons, only few documents can be requested in order to issue the visa. For example, for persons participating in scientific, cultural and artistic activities, including university and other exchange programs, only a written request from the host organisation is needed.

There are also simplified criteria for issuing multiple-entry visas for specific categories of persons, such as members of official delegations, representatives of civil society, etc.

Finally, citizens of the Republic of Moldova who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

Observations by the rapporteur

Since the enlargement of the EU to Romania and Bulgaria, the Republic of Moldova became the immediate neighbour of the EU.

The conclusion of the agreement on visa facilitation offers the opportunity for the EU and the Republic of Moldova to avoid the creation of new dividing lines between the EU and its neighbour. It represents an encouraging step forward, given the European aspirations of the Republic of Moldova and will promote friendly relations, stability, security and well-being of the citizens.

The agreement will facilitate the people-to-people contacts, which is an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties.

It is also a step forward and an encouragement for the Republic of Moldova to deepen the cooperation with its neighbours and with the EU and to implement the reforms needed in the area of freedom, security and justice. In that sense, several priorities for action should be reminded:

- sustained efforts towards a viable solution to the Transnistria conflict – there are still concerns about border management along the Transnistrian section as well as control over goods and people;
- progress towards a system of efficient, comprehensive state border management on all sectors of the Moldovan border – there are still challenges in terms of infrastructure and equipment;
- stepping up the fight against organised crime, including trafficking in human beings – the Republic of Moldova has taken steps to combat trafficking in human beings (by establishing a Centre for fighting against trafficking, ratifying relevant international conventions and adopting legislation and action plans), but this remains an issue of concern.
- ensuring the efficient management of migratory flows;
- further reinforcing administrative and judicial capacity.

The agreement places the Republic of Moldova in a similar situation as Ukraine and Russia as concerns the visa facilitation. These two countries have already concluded visa facilitation agreements. As Moldovan law allows for double citizenship, many Moldovans have a second passport, be it Russian, Ukrainian or Romanian. The conclusion of the visa facilitation agreement with the Republic of Moldova would avoid the situation in which Moldovan nationals holding a Russian / Ukrainian passport would enjoy greater freedom of travel than others. It would also avoid encouraging Moldovans to apply for Russian or Ukrainian citizenship in order to benefit from the visa facilitation.

The rapporteur welcomes the decision by the Republic of Moldova to exempt, as from 1 January 2007, EU citizens from the visa requirement when travelling to the Republic of Moldova. Romania's decision to continue issuing visas for citizens of the Republic of Moldova without any fee is also to be welcomed.

In order to inform people of the new situation, information campaigns are highly needed in the Republic of Moldova, in order to allow people to take the advantage of the new

possibilities. In addition, the changes in the visa policy should also appear as soon as possible on the European institutions websites.

The rapporteur welcomes the initiative of setting up a Common Visa Application Centre in Chişinău, which opened in April 2007 and would like to remind that an increase of the number of consulates of the EU member states in Chisinau would improve the access of the Moldovan citizens to EU visas. Also, given the very high demand on visas for travelling to Romania, the Romanian authorities proposed the opening of two supplementary consular offices, in Cahul and Balti, in order to cover the whole area o the Republic of Moldova and to improve even better the access of Moldavian people to visas. The rapporteur regrets the lack of cooperation of the Moldovan authorities on this matter and the refusal of authorisation from the Moldovan authorities on the opening of these supplementary offices.

Recommendations of the rapporteur

1. In the agreements with the Republic of Moldova, a reference to a "Moldovan" language is made, in the sentence "Done at … on the … day of … in the year … in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Moldovan, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic."

While reiterating its support for the conclusion and the implementation of the agreement on visa facilitation and on readmission and its commitment to fully apply their provisions, Romania underlines that its participation to the said agreements does not imply whatsoever any recognition or acknowledgement of the name of the language referred to as "Moldovan". Romania reiterates that, according to the facts and scientific evidence, including the interpretation of the Academy of Science of the Republic of Moldova (issued in September 1994), the correct name of the language is Romanian.[1]

The rapporteur fully endorses this official declaration of the Romanian delegation at the Permanent Representatives Committee (COREPER) and reminds that the same declaration has also been made by the Romanian authorities concerning *the Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on accession of the Republic of Bulgaria and Romania to the PCA*.[2]

The rapporteur takes note that in all the 9 agreements with the Western Balkans countries, the Commission used the more neutral formulation "Done at ..... on the ..... day of ..... in the year ..... in duplicate in each of the official languages of the Parties, each of these texts being equally authentic."

He regrets that this formulation was not used in the case of the agreements with the Republic

[1] Official Declaration of Romania related to final clause of the Visa and Readmission Agreements between the EC and the Republic of Moldova, entered into Council's minutes of the 5 October 2007 of the Permanent Representatives Committee, Council doc 13021/1/07 REV 1.
[2] Council doc 12489/07 ADD 1.

of Moldova and, for the future, recommends the use of such neutral formulations in case of sensitive contexts, such as the present case.

2. The rapporteur recommends to the committee monitoring implementation of these agreements as well as to the European Commission to identify, once the agreements are implemented, any barrier to the correct application of these agreements, at the level of the consulates and at the level of the border crossing.

3. The rapporteur regrets the insufficient involvement and information of the European Parliament, as concerns the opening of the negotiations on such agreements and the negotiations of such agreements. Directly representing the citizens of Europe, the Parliament has an essential role to play in strengthening the accountability of the EU's external action and the democratic control. The LIBE Committee expects from the European Commission to provide the Parliament with information on the results of the implementation of the agreements, in application of the principle of cooperation in good faith between institutions.